

MAR 07 2007

Attorney Docket No. 2002B132/2

REMARKS/ARGUMENTS**AMENDMENTS TO THE CLAIMS**

Applicants herein respond to item 1 of the Office Action dated November 29, 2006 by correcting paragraph reference number [0028] inadvertently identified as paragraph [0025] in Applicants' submission of March 24, 2006.

**AMENDMENTS TO THE CLAIMS**

Applicants have amended independent claims 1, 2, 18 and 23 to include a limitation that steps of "removing" and "replacing," if present, must occur while polymerization occurs in the polymerization vessel. Support for these amendments may be found, *inter alia*, at paragraphs [0029]-[0031] of the application as filed.

Applicants have rewritten dependent claims 17 and 38 in independent form as suggested by the Examiner. The rewritten claims include all limitations of the formerly dependent claims.

No new matter has been added.

**CLAIM REJECTIONS – 35 U.S.C § 103**

Claims 1-3, 11, 15, 16, 23, 24, 32, 36, and 37 were rejected over Carlson et al. U.S. Patent No. 2,508,744 (hereinafter "Carlson") for the reasons set forth in section 2 of the June 15, 2006 Office Action.

Claims 1-16, 18, and 23-27 were rejected over Shamshoun et al. U.S. Patent No. 6,239,058 (hereinafter "Shamshoun") for the reasons set forth in section 3 of the June 15, 2006 Office Action.

The Examiner indicates that Applicants' prior arguments were discounted because, in the opinion of the Examiner, the claims pending at the time did not require that replacement of a section of the recited conduit occur during an ongoing polymerization process. *See* Office Action, §4. Applicants note that, in the current amendments to claims 1, 2, 18 and 23, the "removing" and "replacing" steps related to conduit sections are explicitly noted to occur while polymerization occurs in the polymerization vessel.

It is respectfully submitted that neither Carlson, nor Shamshoun, provide any disclosure of a removal or replacement of any portion of a catalyst, monomer or mixed catalyst and monomer conduit while polymerization is ongoing in the polymerization vessel serviced by those conduits. As such, neither

Carlson, nor Shamshoum may render Applicants' claims obvious. MPEP §2143.03 ("To establish a *prima facie* case of obviousness of a claims invention, all the claim limitations must be taught or suggested by the prior art.").

Neither do Carlson or Shamshoum provide any motivation or suggestion, either explicitly or implicitly, to one of skill in the art to undertake "removal" or "replacement" steps such as described in Applicants' claims while polymerization is ongoing in the polymerization vessel. As such, neither Carlson, nor Shamshoum may render Applicants' claims obvious. MPEP §2143.01 *citing In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006) ("Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. The teaching, suggestion, or motivation must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.").

For brevity's sake, Applicants do not herein repeat their arguments presented in their response of September 15, 2006. However, in light of the current amendments to the claims, Applicants believe that those arguments further support Applicants' position that neither Carlson nor Shamshoum render the current claims obvious. Applicants, therefore, incorporate by reference all of the arguments made in their response of September 15, 2006.

Therefore, in the absence of a reference or concrete evidence explicitly supporting such assertions predicated upon sound technical and scientific reasoning, Applicants respectfully submit that the claimed invention is not obvious and request that the rejection be withdrawn.

#### CLAIM OBJECTIONS

Claims 17 and 38 are objected to as being dependent on a rejected base claim. The Examiner, however, indicates that the subject matter of these claims would be allowable if the claims are rewritten in independent form including all limitations of any intervening claims.

Applicants have rewritten claims 17 and 38 as suggested.

#### CONCLUSION

Having demonstrated that the cited reference fails to disclose the invention as claimed, all remaining objections and rejections having been overcome, this application is in condition for allowance.

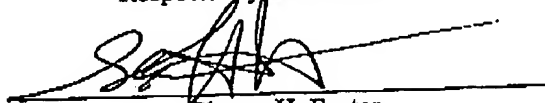
Attorney Docket No. 2002B132/2

Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

A petition for an Extension of Time sufficient to affect a timely response is included herewith. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2002B132/2).

6 March 2007  
Date

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